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## **Hoosick Falls Settlement Meeting Postponed, A Look Back At Water Contamination In 2016**

By Lucas Willard · 16 hours ago

WAMC Northeast Public Radio

The Village of Hoosick Falls has postponed a meeting scheduled for today where officials were set to consider a settlement offer by the companies deemed responsible for the contamination of local water supplies. WAMC's Southern Adirondack Bureau Chief Lucas Willard reports on the latest developments in one of the biggest stories of 2016 — and looks back on how we got here.

It was in January of 2016 that EPA Region 2 Administrator Judith Enck traveled to Hoosick Falls to warn residents of unsafe levels of the chemical PFOA in their drinking water.

"Do not drink the water from the Hoosick Falls public water supply. Do not cook with the water from the Hoosick Falls water supply."

Though high levels of the chemical used in manufacturing non-stick materials were first found in the village's water in the summer of 2014, it was more than a year later when EPA publicly notified residents to take precautions.

Bottled water was distributed to households and state government stepped in to install filtration systems on the village water system and private wells in the surrounding area.

In March, Governor Andrew Cuomo, amid a firestorm of criticism from residents and politicians over the state's response to the contamination crisis, announced that a filtration system on the village water supply was up and running.

“The answer for today was the temporary filter is installed, they have done the testing, the water that comes out of the temporary filter — the Calgon filter — is what they call non-detect for PFOA. So that is very, very good,” said Cuomo.

Hoosick Falls was declared a state Superfund Site, with buildings owned by companies Saint-Gobain, and previously Honeywell and other companies, at the center of the contamination question.

A class-action suit was filed against the companies and eventually the site was recommended for Federal Superfund Status.

The story drew national headlines. Politicians including U.S. Senator Kirsten Gillibrand visited. There was another political battle over legislative hearings on the state’s response to the contamination. Mothers from Flint, Michigan came to share their own stories about contaminated water. Public meetings were packed.

PFOA was also discovered in nearby Petersburg, tied to company Taconic. In November, the state Department of Environmental Conservation announced that an agreement was reached to hold the company responsible for remediation.

Meantime, PFOS, a sister chemical to PFOA, was discovered in the water supply for Newburgh in New York’s Hudson Valley, traced to Stewart Air Force Base. The chemical discovered in Washington Lake was traced to firefighting foam used at the base. A state Superfund site was declared. The city of 28,000 now takes its water from the Catskill Aqueduct. A filtration system to address PFOS for Newburgh’s municipal water system is scheduled to be completed in 2017.

Meanwhile, the state of Vermont took its own precautions, testing for the pervasive chemical in water supplies near the former Chemfab Plant in North Bennington. High levels were found in Bennington, North Bennington, as well as nearby Pownal.

Vermont Governor Peter Shumlin addressed a crowd at Bennington College in March.

"There's nothing we can do to undo what has happened. What I do promise is that we will work with you at every level of state government to make the best of a horrid situation," said Shumlin.

The state is pushing forward with a plan to extend clean municipal water to homes with contaminated wells in Bennington and North Bennington.

Pownal's do-not-drink order was lifted in August.

In the final week of 2016, a meeting where Hoosick Falls officials were to discuss a settlement offer by Honeywell and Saint-Gobain to address the contamination crisis was postponed.

Mayor David Borge said attorneys with the village and companies are working on the issue but were met with some delays.

"And with the holidays and all, the company attorneys just weren't able to get in touch with any of their folks. So I'm still very optimistic that it's going to get finished and that we're going to get it done. But we wanted to make sure everything was signed off, sealed, agreed upon before we presented it to the board and to the public," said Borge.

With the meeting cancelation, it's certain one of the biggest stories of 2016 will continue into the new year.

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**Hoosick Falls special meeting canceled: Settlement reached between Hoosick Falls, Saint Gobain, and Honeywell**

Published: December 27, 2016, 8:21 pm

News 10 ABC (TV)

HOOSICK FALLS, N.Y. (NEWS10) — A special meeting of the Hoosick Falls Village Board originally set to happen Wednesday has now been canceled.

It had been called to finalize an \$850,000 agreement between the village, Saint Gobain and Honeywell.

The agreement will have the companies reimburse the costs associated with the PFOA water crisis. Hoosick Falls Mayor David Borge says the final agreement is not yet available and the meeting has been postponed until it is.

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### **Environmentalists want constitutional protections: Hoosick Falls PFOA contamination prompts call for action**

Updated 7:47 am, Thursday, December 29, 2016

Albany Times Union

The water contamination crisis in Hoosick Falls has sparked a push for a state constitutional amendment that would enshrine the right of New Yorkers to a cleaner environment.

"For New York to be a true leader, we are going to need a constitutional amendment to ensure the state proactively protects our air and water, and responds with full force when a crisis occurs," said Peter Iwanowicz, executive director of Environmental Advocates of New York, which is joining forces with the reform group Effective NY to push for the change in 2017.

The nascent campaign has enlisted two Hoosick Falls youngsters who speak in separate online videos about the impact that revelations of perfluorooctanoic acid contamination in the water have had on their community.

"The water situation takes the fun out of being a kid," says Ashlynn Sagendorf, one of the speakers. "At home we drink bottled water. ... There have been lots of houses for sale."

The Rensselaer County village and surrounding areas have for more than a year been struggling with revelations that PFOA has seeped into the municipal water supply and numerous private wells from nearby factories and dumping sites.

The substance is associated with thyroid disease and cancer; residents have criticized state and federal officials for reacting too slowly to the findings that even low levels of exposure can be harmful.

Sagendorf in the video borrows a page from earlier campaigns to draw attention to the problem by noting the PFOA level in their blood. "My PFOA Level is 31," Ashlynn, notes in the video referring to the parts per billion, far beyond national averages.

In June, town residents launched a Twitter feed with photos of themselves holding placards displaying their PFOA blood levels to draw attention to the high amounts of the substance in the community's drinking water.

While the state constitution calls for abatement of air and water pollution in the Adirondack Forest Preserve, supporters of an amendment say an "Environmental Bill of Rights" would further enshrine such protections across the state.

They also want guarantees of a "safe climate," which would address issues of climate change, which have come to the fore in the years since the 19th-century creation of the state Forest Preserve.

A similar amendment was recently approved in Pennsylvania, noted state Sen. Liz Krueger, D-Manhattan.

She said environmentalists there have used the amendment to challenge the leeway the Keystone State's constitution gives to natural gas drillers who employ the controversial technique known as hydraulic fracturing.

For a constitutional amendment to become law, it must first be passed by two successively elected legislatures, which mean it would have to pass in 2017 or 2018 and again in 2019 or 2020. Were that to happen, voters statewide could decide on an amendment in November 2019 at the earliest.

An alternate route could be provided by a state constitutional convention, the prospect of which will be put before voters — as it is every 20 years — next November. Bill Samuels, the businessman-advocate who leads Effective NY, is pushing for approval of such a convention.

Gov. Andrew Cuomo has pointed to a convention as a possible route to achieve the sort of ethics reforms that have so far eluded passage by the Legislature, though he has not discussed it as a route to stronger environmental protections. In last year's State of the State address, he said that a convention could be a worthy "citizen-government relationship reboot," though his advocacy has been muted in recent months. Funding for a commission to prepare the way for a convention, proposed by the governor in his 2016 executive budget proposal, failed to make it into the approved spending plan.

Some environmental groups have expressed worry that a constitutional convention could have the opposite effect, and result in the weakening of protections such as the "Forever Wild" clause in the New York constitution that impedes development within the Forest Preserve in the Adirondacks (where 2.6 million acres are covered) and the Catskills (286,000 acres).

A recent report by the state Bar Association — one of several groups that have stepped in to perform the education groundwork in advance of November's vote — suggests that fears that the Forever Wild clause could be reduced are unwarranted.

The report also looks back to the "Conservation Bill of Rights" that was proposed at the state's most recent constitutional convention, in 1967. That convention's proposed slate of amendments were rejected by voters that year, but the conservation plank was reintroduced and approved two years later and now appears as Section 4 of Article XIV of the constitution.

The Bar Association report, however, notes that the amendment's language is more "aspirational" than durable, and is "arguably ... insufficient to address New York's environmental changes."

If such changes were proposed by a constitution convention, November 2019 is likely the earliest they could be voted on by statewide vote.

Enshrining a constitutional right to clean air and water could also possibly lay the groundwork for constitutional lawsuits over environmental issues.

School funding advocates, for example, have pointed to the state constitution's call for educational rights as a basis for legal action such as the years-long Campaign for Fiscal Equity lawsuit that sought more money for New York City schools.

Casey Seiler contributed.

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## **Groups seek NY constitutional right to clean air, water**

By MARY ESCH Associated Press

December 29, 2016 — 6:10am

Associated Press

ALBANY, N.Y. — Environmental and public policy groups in New York are calling for a state constitutional amendment that would guarantee residents a right to clean air and water.

Environmental Advocates of New York and EffectiveNY are promoting the proposed amendment with online video ads Thursday featuring children from Hoosick Falls, where water wells have been contaminated by an industrial chemical.

"You shouldn't have to fight for clean water," says 15-year-old Mikayla Baker, a Hoosick Falls ninth-grader featured in one of the two videos.

The groups say a constitutional amendment would give residents more power to hold state lawmakers and regulators accountable for ensuring a healthy environment.

Six states have environmental rights provisions in their constitutions. A 1971 Environmental Rights Amendment to Pennsylvania's constitution was the basis for a state Supreme Court ruling in 2013 that said municipalities have a right to zone against shale gas development. Drilling in the underground shale has resulted in public health and environmental concerns.

In Hoosick Falls, special filters were installed on public and private wells contaminated with the industrial chemical PFOA that has been linked to cancer and other illness. Residents there have accused the administration of Democratic Gov. Andrew Cuomo of being too slow to launch an investigation and warn people after the contamination came to light in 2014.

At a state Senate hearing in August, Health Commissioner Howard Zucker said the state followed federal guidelines in addressing the issue.

"In 2016, we saw communities in New York struggling with clean drinking water and clean air," Environmental Advocates executive director Peter Iwanowicz said. "What



was missing was clear language in the state constitution giving people the right to drink water that won't make them sick and breathe air that's safe."

State regulators also drew criticism this year from community residents and environmental groups for their handling of air permits for oil terminals at the Port of Albany. As a result, the Department of Environmental Conservation in September said it will require an extensive new review of permits originally issued in 2012 that turned Albany into a major hub for crude oil rail shipments from North Dakota.

"Constitutional protection means that even if a state agency or the Legislature does the wrong thing through regulation or statute, people have the ability to use our courts to get us to do the right thing," said Democratic state Sen. Liz Krueger, a potential sponsor of the amendment when it's drafted.

Residents now have the right to bring lawsuits challenging environmental laws or regulations, but a constitutional amendment would give stronger weight to their arguments, Iwanowicz said.

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## **Vermont Sets New Drinking Water Standard For PFOA**

By Dominique 'Peak' Johnson

Dec. 28, 2016

Water On-line

Earlier this month, a legislative committee permanently set Vermont's safe drinking water standard for the chemicals PFOA and PFOS at 20 ppt. The limit for Vermont is below the EPA's limit of 70 ppt, and is now one of the lowest drinking water standards in the U.S.

PFOA, or perfluorooctanoic acid, is a dangerous chemical that's been linked to a host of health effects such as thyroid disease, cancer, high cholesterol, and endocrine issues. When PFOA was found in the water in southwestern Vermont in February, very few people in the state had even heard of the chemical.

At that time, Vermont had set its safe drinking water standard at 20 ppt under an emergency rule. On Dec. 15, after numerous hearings and a public comment period, New Hampshire Public Radio reported that the Legislative Committee on Administrative Rules permanently set the safety standard at 20 ppt.

"I think this gives the people in Bennington County who are dealing with concerns related to PFOA a level of comfort," Department of Environmental Conservation Commissioner Alyssa Schuren said. "The rule is now set in stone, and there isn't a question about it any longer."

Similarly, this past summer in the wake of a contamination that forced the closure of the primary drinking water supply for the city of Newburgh, NY, in May, City Manager Michael Ciaravino is asking the state Department of Health (DOH) to begin testing residents.

According to the Times Herald-Record, in a letter sent to DOH earlier this month, Ciaravino said that there is "adequate justification" for the state to offer testing for residents who were exposed to PFOS, whose levels led to the closure of Washington Lake.

Also, in August of this year, the city of Fountain, CO, found itself on a growing list of American communities that are dealing with elevated levels of perfluorinated chemicals (PFCs) in their drinking water.

According to The New York Times, in the last few months, PFC poisoning has plagued communities nationwide, from Hoosick Falls, NY to North Bennington, VT.

"Unlike in many of the other places, the contamination in Fountain and in two nearby communities, Widefield and Security, is not believed to be related to manufacturing," the Times reported. "Rather, the authorities suspect that it was caused by Aqueous Film Forming Foam, a firefighting substance used on military bases nationwide."

The contamination in Bennington has been linked to the former Chemfab plant, which was owned by Saint-Gobain before it moved in 2001.

This past April, Saint-Gobain brought three lawsuits against the state challenging its low drinking water standard.

"While Vermont can set a PFOA limit, it is important that the State appropriately evaluates and properly applies the factors that go into setting any such regulatory standard," Saint Gobain spokeswoman Dina Silver Pokedoff told the Times in a prepared statement. "That is why Saint-Gobain Performance Plastics filed in September an appeal of Vermont's emergency rule issued in August that sets the limit for PFOA at 20 ppt."

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